IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 23662 of 2005(P)

OS.1/2003 of SUB COURT,NEYYATTINKARA

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PETITIONER:

NJANASEELAN, POLNIVAS, KILIYOOR DESOM,
VELLARADA VILLAGE.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:

M. SUDHAKARAN, SENIOR AUDITOR,
I AND II (AUDIT) A.G.S. OFFICE,
TRIVANDRUM, FROM ARAMOM, KADAVATTARAM,
NEYYATTINKARA VILLAGE.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.N.SASI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the EP 109/03 filed by the petitioner in O.S.No.1/03 before the Sub Court, Neyyattinkara dated 28.10.2003.

Ext.P2: True copy of the affidavit filed by the petitioner in E.P.109/03 in O.S.1/03 before the Sub Court, Neyyattinkara dated 28.10.2003.

Ext.P3: True copy of the objection filed by the respondent in Ext.P1 dated 27.10.2004.

Ext.P4: True copy of the deposition of the petitioner in O.S.1/2003 before the Sub Court, Neyyattinkara dated nil.

Ext.P5: True copy of the deposition of the respondent in O.S.1/2003 before the Sub Court, Neyyattinkara dated nil.

Ext.P6: True copy of the order on E.P.109/03 in O.S.1/03 before the Sub Court, Neyyattinkara dated 1.12.2004.

// True copy //

P.A. to Judge

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.23662 OF 2005

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Dated this the 23rd day of February 2007

JUDGMENT

The respondent is present in person with his salary certificate. The salary certificate shows that his gross salary is 18,309/-. The insurance premium remitted by him is only Rs.30/- and subscription to Central Government Health Scheme is only Rs.100/- while he is making a subscription of Rs.10,000/- to his GPF account for a bright future after his retirement. The respondent who is the judgment debtor cannot save for himself in this manner without discharging the debt. Counsel for the respondent offers to make payment of Rs.22,500/- which is the instalment in arrears as per the order of this court dated 24.11.2006 and makes payment of the said amount to the counsel for the petitioner. It is ordered in modification of the order dated 24.11.2006 that the respondent/judgment debtor has to make payment of an amount of Rs.10,000/- each per month to the petitioner/decree holder beginning with the 5th day of March 2007 till the debt is discharged in full. In case of default in payment of any one instalment, the petitioner/decree holder shall

be entitled to proceed with personal execution against the respondent he being a person of means as evident from his salary certificate and the rate at which he is making contribution to his GPF account. The memo for receipt of Rs.22,500/- shall be got signed from the counsel for the petitioner and shall be produced before the execution court to have part satisfaction recorded. With this direction I dispose of this writ petition.

K.P.BALACHANDRAN, JUDGE

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